

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re application of: Tsuyoshi Nishiwaki et al.**

**Serial No.: CONTINUATION OF 10/132,013**

**Filed:**

**For: MIDSOLE INCLUDING CUSHIONING STRUCTURE**

**Examiner: Stashick, Anthony**

**Art Unit: 3728**

**PRELIMINARY AMENDMENT**  
**DECLARATION UNDER 37 CFR 1.132**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**In the Application:**

Page 1, after the Title insert the following:

***-- Related Applications:***

*This application is a continuation application of US Serial Number 10/132,013 filed on 04/25/2002 which claims the foreign priority of the following Japanese applications: Serial Number 2001-141157 filed on May 11, 2001, 2001-198609 filed on June 29, 2001 and 2002-63522 filed on April 8, 2002. The entire disclosures of all of these applications are incorporated herein by reference. --*

**In the Claims:**

Delete claims 5-9, 11 and 12 from in the application as filed herewith prior to calculating the government filing fee:

**1. (Original)** A midsole including a cushioning structure, which is provided between an outer sole and an upper and is suitable for absorbing a shock of landing, wherein:

the cushioning structure comprises a thick plate-shaped or column-shaped cushioning portion;

a plurality of grooves is formed on an outer peripheral surface of the cushioning portion;

the respective grooves are helically formed around a substantially vertical axial line;

the respective grooves are arranged substantially parallel with each other; and

a range in which each of the grooves is formed is larger than a range of 15 degrees around the axial line and smaller than a range of 180 degrees around the axial line.

**2. (Original)** A midsole including a cushioning structure according to claim 1, wherein a lead angle between the groove and a horizontal plane is set within a range of 35 degrees to 60 degrees.

3. **(Original)** A midsole including a cushioning structure according to claim 1, wherein:  
the respective grooves are provided to be continuous from an upper end of the cushioning  
portion to a lower end of the cushioning portion; and  
the lead angle is set to be substantially constant from the upper end to the lower end.

4. **(Original)** A midsole including a cushioning structure according to claim 1,  
wherein the outer peripheral surface of the cushioning portion is formed to be taper-shaped.

5. **DELETED.**

6. **DELETED.**

7. **DELETED.**

8. **DELETED.**

9. **DELETED.**

10. **(Original)** A midsole having a cushioning structure, which is provided between an outer  
sole and an upper and is suitable for absorbing a shock of landing, comprising:

a midsole body defining a cavity; and

a cushioning part fitted in the cavity, wherein:

the cushioning part is formed of elastomer;

Young modulus of a member constituting the cushioning part is set to be a value smaller  
than Young modulus of a member constituting the midsole body;

the cushioning part is formed into a plate shape having an upper surface and a lower  
surface;

a plurality of helical grooves and/or convex portions is formed on at least one of the upper  
surface and the lower surface of the cushioning part; and

a thickness of the cushioning part is gradually changed along the grooves and/or the convex  
portions.

11. **DELETED.**

12. **DELETED.**